

State of California  
AIR RESOURCES BOARD

**Notice of Public Availability of Modified Text and  
Availability of Additional Documents and Information**

PUBLIC HEARING TO CONSIDER THE ADOPTION OF AN AIRBORNE TOXIC  
CONTROL MEASURE TO REDUCE EMISSIONS OF TOXIC AIR CONTAMINANTS  
FROM OUTDOOR RESIDENTIAL WASTE BURNING

Public Hearing Date: February 21, 2002  
Public Availability Date: May 15, 2002  
Deadline for Public Comment: May 31, 2002

At a public hearing held on February 21, 2001, the Air Resources Board (the Board or ARB) considered a proposed Airborne Toxic Control Measure to Reduce Emissions of Toxic Air Contaminants from Outdoor Residential Waste Burning (ATCM): proposed section 93113, title 17, California Code of Regulations (CCR). The proposed ATCM prohibits the outdoor burning of residential waste materials other than natural vegetation, as well as the use of burn barrels. The ATCM also requires any residential burning to take place only on permissive burn days and requires the use of an ignition device approved by the air pollution control officer. Finally, the ATCM provides for exemptions if specified conditions are met. The proposed ATCM is described in detail in the Initial Statement of Reasons (ISOR or ATCM Staff Report) released to the public on January 4, 2002. The ISOR and other background information can be found on the Internet at: <http://www.arb.ca.gov/smp/resburn/resburn.htm>.

At the hearing, the Board approved the Residential Burning ATCM, with certain modifications to the originally proposed language. These modifications were suggested by ARB staff in response to public comments received since the ISOR was published. Following is a summary of the modifications:

- Several definitions have been deleted and others added in subsection (b), "Definitions," to reflect changes in the terminology used in the ATCM.
- In subsection (d), "Compliance Schedule," the effective date of the prohibitions has been changed to January 1, 2004. Also, a provision has been added for ARB to conduct a public education and outreach program, beginning no later than January 1, 2003.

- Subsection (e), "Exemptions," has been modified to provide specific exemption criteria based upon population density within census zip code areas:
  - Census zip codes with a population density less 3.0 people per square mile receive an automatic exemption. In these areas, paper and cardboard may be burned, and burn barrels may be used.
  - Census zip codes with a population density between 3.0 and 10.0 persons per square mile may be exempted to allow the burning of paper and cardboard at the direction of the local air district Board, and burn barrels may be used based upon overriding fire safety concerns at the request of the ranking fire official. However, the air district may delineate sub-areas of the census zip code where the prohibitions would still apply.
  - No exemptions will be provided in census zip codes with a population density greater than 10.0 people per square mile, and in all incorporated places. However, in this highest density tier, the air district may delineate sub-areas of the census zip code to be exempted if the population density is less than or equal to 3.0 persons per square mile in the sub-area. In these sub-areas, paper and cardboard may be burned, and burn barrels may be used.
- The process for designating exemption areas in subsection (e) has been modified such that:
  - ARB will prepare a listing of incorporated places and population density in each census zip code area within each air district by May 1, 2003.
  - Air districts must submit their Requests for Exemption, with appropriate documentation, by August 1, 2003.
  - ARB will review the Requests for Exemption for completeness and approve the exemption areas with a written confirmation by January 1, 2004.
  - ARB will make available a listing of all exemption areas by January 1, 2004.
  - The process will be repeated every 10 years thereafter until there are no areas qualifying for the exemption pursuant to the exemption criteria.
- Other modifications to subsection (e) include:
  - Burn barrels may continue to be used in any jurisdiction where a local ordinance or other enforceable mechanism requiring their use is already in effect as of January 1, 2002, unless it is subsequently rescinded or revoked. Conversely, an air district may not seek an exemption for the use of burn barrels in any jurisdiction that bans their use through air district rules, local ordinances, or other enforceable mechanisms in effect on January 1, 2002, or thereafter.
  - Air districts may not request exemptions for the burning of paper and cardboard if it is already prohibited under air district rules in effect as of January 1, 2002, nor request an exemption for any jurisdiction where a local ordinance or other enforceable mechanism is already in effect prohibiting these materials.

In the interests of completeness and in accordance with Government Code section 11347.1, staff has also added to the rulemaking record the following additional documents and information that support the proposed action:

ARB (2000). Risk Reduction Plan to Reduce Particulate Matter Emissions from Diesel-Fueled Engines and Vehicles. Air Resources Board, Stationary Source Division, Mobile Source Control Division. Sacramento, California.

Nakao, T., Aozasa, O., Ohta, S., Miyata, H. (2000). "Formation of Dioxin Analogues on Combustion Process with Unregulated Small Incinerator." Submitted paper in Organohalogen Compounds. 46:205-208.

Pursuant to Government Code 11347.1(b), these additional documents and all other documentation relied upon in the regulatory action are available for inspection at the ARB's Public Information Office, Environmental Services Center, 1001 "I" Street, 1<sup>st</sup> Floor, Sacramento, California 95814, (916) 322-2990.

By this notice, the modified regulation and the additional documents added to the rulemaking record are being made available for public comment prior to final action by the Board's Executive Officer. Attached to this notice is the Board Resolution 02-2 of February 21, 2002 (Attachment 1), which approves the regulatory action. Additional information on the basis for the modifications can be found in Attachment B to the Board Resolution. The full text of the modified regulatory language (Attachment 2) is also attached to this notice. In Attachment 2, deletions to the originally proposed language are shown in ~~strike-out~~ and additions to the originally proposed language are underlined. This public notice is also on the Internet at: <http://www.arb.ca.gov/regact/reswstebn/reswstebn.htm>. For further information concerning the proposed revisions, please contact Karen Magliano, Manager, Particulate Matter Analysis Section, at (916) 322-7137.

If you are a person with a disability and desire to obtain this notice in an alternative format, please contact the ARB ADA Coordinator at (916) 232-4916, or TDD (916) 324-9531, or (800) 700-8326 for TDD calls from outside the Sacramento area.

In accordance with section 11346.8 of the Government Code, the Board directed the Executive Officer to adopt section 93113, title 17, CCR, and to make such other conforming modifications as may be appropriate, after making the modified regulatory language available to the public for a period of fifteen (15) days, provided that the Executive Officer considers such written comments as may be submitted during the period, makes such modifications as may be appropriate in light of the comments received, and presents the regulation to the Board for further consideration if he determines that this is warranted.

Written comments on the proposed modifications may be submitted by postal mail, electronic mail, or facsimile as follows.

Postal Mail to be sent to:

Clerk of the Board  
Air Resources Board  
1001 "I" Street, 23<sup>rd</sup> Floor  
Sacramento, California 95814

Electronic mail is to be sent to: [reswstebrn@listserv.arb.ca.gov](mailto:reswstebrn@listserv.arb.ca.gov)

Facsimile submissions are to be transmitted to the Clerk of the Board at (916) 322-3928.

In order to be considered by the Executive Officer, comments must be directed to the ARB in one of the forms described above and received by the ARB by 5:00 p.m. on the last day for supplemental comment listed at the beginning of this notice. Only comments relating to the modifications described in this notice will be considered by the Executive Officer.

Attachments